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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On June 23, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: _____


Lata Olivier

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ray Frankulin et al.

Application No.: 09/939,233

Filed: August 24, 2001

For: PAGING SYSTEM AND
LOCATION VERIFICATION FOR
REMOTE ACCESS TO WAGERING
SYSTEMS


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Examiner: WHITE, Carmen D.

Technology Center/Art Unit: 3714

APPELLANTS' BRIEF PURSUANT
TO 37 C.F.R. § 41.37(c)

 Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby submit this Appellants' Brief in triplicate pursuant to 37 C.F.R. § 41.37(c) and pursuant to the Notification of Non-Compliant Appeal Brief mailed April 7, 2005. This Appeal Brief was due on May 7, 2005, extensions of time being permitted. As this Appeal Brief is being filed on or before July 7, 2005, it is requested that a two-month extension of time be granted. Accordingly, the Commissioner is authorized to charge deposit account number 20-1430 for a two-month extension of time and any other fees associated with this Brief.

I. REAL PARTY IN INTEREST

The real party in interest of the subject patent application is Station Casinos, Inc., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1-17 are pending. Claims 1-17 stand finally rejected. Appellants appeal from the rejection of all of these claims.

IV. STATUS OF AMENDMENTS

No response or amendment was filed subsequent to the final rejection in the Office Action mailed December 2, 2003 ("the final Office Action") other than the Notice of Appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides systems and methods for verifying that a user is located within a predefined geographical location. One such method as recited in claim 1 includes, among other steps, forwarding a verification number to the user. The verification number is received by the user only if the user is located within the predefined geographical area, the verification number is then received from the user. The verification number forwarded is verified as being the same verification number received. Application, page 3, lines 7-16; original claim 1. By way of example, in the embodiment of claim 2, the user has a pager that is only operable in the predefined geographical area and the verification number is forwarded to this pager. Application, page 7, line 4-page 8, line 20.

In the embodiment of independent claim 3, a verification system comprises a transmitting system having one or more transmitters, one or more pagers for communicating with the transmitting system, a control system for receiving a signal requesting remote access to a betting system, upon receipt of the signal, the control system forwards an authorization number

to the transmitting system, the transmitting system forwarding the authorization number to the user pager, the user pager being capable of receiving the authorization number only when within the predefined geographical area, and a communication channel for returning the authorization number to the control system after receipt by the user pager, such that the control system allows remote access to the betting system after the authorization number is received. Application, page 3, lines 17-28.

In the embodiment of independent claim 10, a method used by a location verifier system for verifying a user's location within an area to enable remote access to a betting system is recited. The method comprises receiving a signal for requesting access to the betting system, randomly generating a verification number responsive to the signal, forwarding the verification number such that the verification number travels no further than a predefined geographic location, receiving the verification number, and if the verification number forwarded is the same as the verification number received, allowing remote access to the betting system. Application, page 3, line 29-page 4, line 3.

In the embodiment of independent claim 15, a method of verifying a user's location within an area to allow remote access to a gambling system is recited. The method comprises providing a pager to the user, the pager being operable only within a predefined geographical area, communicating by the user, with a control center when the user desires to remotely access the gambling system, generating by the control center, a number for verifying that the user is within the predefined geographical area, forwarding by the control center, the number to the pager, the pager receiving the number only when within the predefined geographical area, forwarding by the user, the verification number to the control center, and providing remote access to the gambling system so that the user may remotely place wagers on the gambling system. Application, page 4, lines 4-14.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,508,710 ("Paravia et al.") in view of U.S. Patent No. 5,787,173 ("Seheidt et al.").

Claims 2-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al (6,508,710) in view of Seheidt et al (5,787,173), further in view of Wicks or LaDue (5,999,808).

VII. ARGUMENT

A. Claim 1 is not obvious in view of Paravia et al. in view of Seheidt et al.

1. Claim 1

In his Final Rejection, the Examiner rejected Claim 1 under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. in view of Seheidt et al.

Regarding claim 1, the Examiner contends that Paravia et al. teaches a gambling system employing a location verifier system for verifying that a user is located within a predefined geographical area, after which the user is allowed to place a wager on a sports book, the system comprising a transmitting system having one or more transmitters; a control system for receiving a signal requesting remote access to a betting system and the transmitting of an authorization number {a password- #1142, Fig. 13} (abstract; Fig. 14 and Fig. 15). The Examiner states that while Paravia et al. teaches the use of various techniques for granting the user access to the sports wagering game (col. 2, lines 11-12), Paravia et al. is silent regarding the feature of receiving and transmitting a verification number to and from the user in order to allow play. Furthermore, the Examiner states that this feature is known in cryptographic verification systems as a handshaking process. The Examiner further contends that in an analogous system of verification of user identity, Seheidt et al. teaches a handshaking system in which there is transmission and reception of verification information {cryptographic key data} from a remote site to a user and back from a user (abstract; Fig. 1). The Examiner contends that it would have been obvious to a person of ordinary skill in the art at the time of the invention to enhance the verification/authorization system of Paravia et al., by sending and receiving the password verification number of Paravia et al. in a handshaking manner, as disclosed by Seheidt et al., in order to make gaming more secure.

It is respectfully submitted that in order to establish a prima facie case of obviousness, three basic criteria must be met. First, the Examiner must identify prior art declaring all the salient elements recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Third, there must be a reasonable expectation that once combined the elements will work as expected. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In Re Vaeck, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

As will become apparent herein, it respectfully submitted that all of the elements recited in claim 1 are not taught or even suggested in Paravia et al. or Seheidt et al. Specifically, Paravia et al. and Seheidt et al. do not disclose forwarding a verification number to a user where the user only receives the verification number if located within a predefined geographical area, and then the verification number is received from the user, thereby indicating the user's location within the predefined geographical area.

Claim 1 is directed to a method employing a location verifier system for verifying that a user is located in a predefined geographical area, wherein the method includes, among other steps, forwarding a verification number to the user. The verification number is received by the user only if the user is located within the predefined geographical area, the verification number is then received from the user. The verification number forwarded is verified as being the same verification number received.

In contrast thereto, as the Examiner acknowledges in the office action, Paravia et al. discloses using various techniques for granting the user access to the sports wagering system such as automatic number identification (ANI), i.e., "Caller I.D." As the Examiner further acknowledges, nowhere does Paravia et al. disclose forwarding a verification number to a user where the user only receives the verification number if he is within a predefined geographical area, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was forwarded. Indeed, it is respectfully

submitted that this is not necessary since Paravia et al. uses other techniques such as ANI with the initial contact from the user to verify the user's location.

Likewise, Seheidt et al. does not disclose forwarding a verification number to a user where the user only receives the verification number if the user is within a predefined geographical area, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was forwarded. While the Examiner refers to a "handshaking process," applicants respectfully point out that what is claimed is not a general "handshaking process" but rather is "forwarding a verification number to the user, the verification number being received by the user only if the user is located within the predefined geographical area" and then "receiving the verification number from the user," and "verifying the verification number forwarded is the same verification number received." Thus, the number is passed from point A to point B and back to point A from point B, but point A only receives the number if it is within a predefined geographical area.

In contrast thereto, Seheidt et al. discloses using a split key scheme that sends two different key components, one from a transmit location and another from a receive location. Seheidt et al. does not disclose or even suggest forwarding a verification number to a user wherein the verification number is received by the user only if the user is located within a predefined geographical area, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was originally forwarded.

Thus, even if one were to combine the teachings of Paravia et al. and Seheidt et al., one would not arrive at the present invention since key elements would be missing. Indeed, there isn't even any motivation to one skilled in the art to combine or modify the teachings of the two references in an attempt to arrive at the present invention since each reference discloses its own location determination technique. Paravia et al. discloses using ANI. Seheidt et al. discloses using a split key scheme that sends two different key components, one from a transmit location and another from a receive location.

Accordingly, it is respectfully submitted that claim 1 is allowable for at least the above-discussed reasons.

B. Claims 2-17 are not obvious in view of Paravia et al. in view of Seheidt et al., and further in view of Wicks or LaDue

1. Claim 2

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al. in view of Seheidt et al., further in view of Wicks or LaDue. The Examiner contends that Paravia et al. and Seheidt et al. teach all the limitations of the claims as disclosed above. The references lack an explicit disclosure of a pager for wagering, in an analogous wagering system, Wicks or LaDue teach the use of a pager for placing wagers (Wicks- abstract; Fig. 2; LaDue- abstract; Fig. 9). It would have been obvious to a person of ordinary skill in the art to enhance Paravia and Seheidt by utilizing a pager for the wagering device, in order to make the system easier to play from various locations and easier to transport.

Claim 2 depends on claim 1 and adds "wherein forwarding the verification number further comprises forwarding the verification number to a user pager operable only within the predefined geographical area; and receiving the verification number further comprises receiving the verification number from the user after the verification number is retrieved from the user pager."

As noted above, Paravia et al. and Seheidt et al. fail to disclose or suggest forwarding a verification number to a user wherein the verification number is received by the user only if the user is located within a predefined geographical area, then receiving the verification number back from the user and verifying that the verification number received is the same verification number that was originally forwarded.

It is respectfully submitted that Wicks and LaDue do not make up for the lack of teaching in Paravia et al. and Seheidt et al. Wicks mentions possibly using a pager at a sporting event site merely for providing information to a user and, thus, may be used for "on-site" or "off-track" betting (see top of column 5). No location verification is ever mentioned in Wicks. LaDue merely discloses a wireless gaming method that may use pagers. LaDue mentions using GPS for location information regarding users. Thus, neither Wicks nor LaDue disclose or suggest using a pager for providing a user with a verification number wherein the verification

number is received by the user only if the user is located within a predefined geographical area since the pager is only operable in a predefined geographical area.

Thus, even if one were to combine the teachings of Paravia et al. and Seheidt et al. with the teaching of Wicks or LaDue, one would not arrive at the present invention since key elements would be missing. Indeed, there isn't even any motivation to one skilled in the art to combine or modify the teachings of the references in an attempt to arrive at the present invention since three of the four references disclose their own location determination techniques. Paravia et al. discloses using ANI. Seheidt et al. discloses using a split key scheme that sends two different key components, one from a transmit location and another from a receive location. LaDue mentions using GPS, while Wicks doesn't disclose any type or need for location determination.


Accordingly, it is respectfully submitted that claim 2 is allowable for at least the above-discussed reasons.

CONCLUSION

Thus, it is apparent that since several aspects of Appellants' invention are not disclosed by the cited references, they cannot be combined to arrive at Appellant's invention as recited in the claims. Furthermore, none of the cited references provide motivation to one skilled in the art to modify their teachings to arrive at Appellants' invention as recited in the claims. Accordingly, it is requested that the rejection of the claims be reversed.

In view of the foregoing Argument, Appellants respectfully request that the obviousness rejection as to all of the pending claims be reversed.

Respectfully submitted,



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VIII. CLAIMS APPENDIX

1. A method employing a location verifier system for verifying that a user is located within a predefined geographical area, after which the user is allowed to place a telephone wager on a sports book, the method comprising:

receiving by the location verifier system, a telephone call from the user requesting access to the sports book;

forwarding a verification number to the user, the verification number being received by the user only if the user is located within the predefined geographical area;

receiving the verification number from the user;

verifying the verification number forwarded is the same verification number received;
and

permitting the user to place the telephone wager on the sports book.

2. The method of claim 1 wherein forwarding the verification number further comprises

forwarding the verification number to a user pager operable only within the predefined geographical area; and receiving the verification number further comprises

receiving the verification number from the user after the verification number is retrieved from the user pager.

3. A verification system comprising:

a transmitting system having one or more transmitters;

one or more pagers for communicating with the transmitting system;

a control system for receiving a signal requesting remote access to a betting system;

upon receipt of the signal, the control system forwards an authorization number to the transmitting system;

the transmitting system forwarding the authorization number to the user pager;

the user pager being capable of receiving the authorization number only when within the predefined geographical area; and

a communication channel for returning the authorization number to the control system after receipt by the user pager, such that the control system allows remote access to the betting system after the authorization number is received.

4. The system of claim 3 wherein the betting system is for allowing gamblers to place wagers on various sporting games and events.

5. The system of claim 3 wherein the control system is a casino control center.

6. The system of claim 3 further comprising wherein each user pager is assigned to a gambler.

7. The system of claim 3 wherein the transmitting system further comprises three transmitters each tactically placed relative to each other to cover the predefined geographic area.

8. The system of claim 3 wherein the signal is a telephone call.

9. The system of claim 3 further comprising
a computer system communicably coupled to the communication channel for generating the signal and for returning the authorization number to the control system.

10. A method used by a location verifier system for verifying a user's location within an area to enable remote access to a betting system, the method comprising:

receiving a signal for requesting access to the betting system;

randomly generating a verification number responsive to the signal;

forwarding the verification number such that the verification number travels no further than a predefined geographic location;

receiving the verification number; and

if the verification number forwarded is the same as the verification number received, allowing remote access to the betting system.

11. The method of claim 10 wherein forwarding the verification number further comprises

forwarding the verification number to a user pager, and receiving the verification number further comprises

receiving the verification number from the user.

12. The method of claim 10 wherein forwarding the verification number further comprises

forwarding the verification number such that a user or system located outside the predefined geographic area is unable to receive the verification number.

13. The method of claim 10 wherein the signal is a telephone call from a user.

14. The method of claim 10 wherein the signal is sent via a computer and a modem.

15. A method of verifying a user's location within an area to allow remote access to a gambling system, the method comprising:

providing a pager to the user, the pager being operable only within a predefined geographical area;

communicating by the user, with a control center when the user desires to remotely access the gambling system;

generating by the control center, a number for verifying that the user is within the predefined geographical area;

forwarding by the control center, the number to the pager, the pager receiving the number only when within the predefined geographical area;

forwarding by the user, the verification number to the control center; and

providing remote access to the gambling system so that the user may remotely place wagers on the gambling system.

16. The method of claim 15 wherein the gambling system is for placing wagers remotely.

17. The method of claim 15 wherein the number is a random number generated by a random number generator.

IX. EVIDENCE APPENDIX- NON-APPLICABLE

X. RELATED PROCEEDINGS APPENDIX - NON-APPLICABLE

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST	2
II. RELATED APPEALS AND INTERFERENCES	2
III. STATUS OF CLAIMS	2
IV. STATUS OF AMENDMENTS	2
V. SUMMARY OF CLAIMED SUBJECT MATTER.....	2
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	3
VII. ARGUMENT.....	4
CONCLUSION	9
VIII. CLAIMS APPENDIX.....	10
IX. EVIDENCE APPENDIX- NON-APPLICABLE	12
X. RELATED PROCEEDINGS APPENDIX - NON-APPLICABLE.....	12